

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 13, 1947

10:35 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilman Glass, Mayor Miller, Councilmen Thornberry
and Wolf - 4

Absent : Councilman Bartholomew - 1

Present also: Gulton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

A group of property owners on Hearn Street and Deep Eddy Avenue, with Pat Adelman as spokesman, came before the Council and submitted a protest against the proposed closing of West 8th Street between Deep Eddy Avenue and Hearn Street, and asked that instead said street be widened to a width of fifty feet and paved, stating that the property owners in the vicinity were willing to help with the cost of paving in order to get said street paved, and that Rex Kitchens, one of the two property owners on said Street, had agreed to give thirty feet of his property for the widening of said street provided the other property owner, Mrs. Cora Cherry, would give twenty feet of her property, but that the said Mrs. Cora Cherry had refused to do so, and they further asked that the City proceed, by condemnation if necessary, to acquire the necessary right-of-way from the said Mrs. Cherry. The Council deferred action on the matter to the next regular meeting in order to personally inspect the matter on the ground following adjournment.

Pursuant to published notice thereof, the public hearing on the application of A. F. Smith, G. A. Bragg, C. L. Fowler, and R. C. Gravis for change in zoning as follows:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First

Height and Area District, to-wit:

Lots 5, 6, 7, 8, 9, and 10, in Block 2, and Lots 1, 2, and 3, Block 3, Smith and Abrahamson Subdivision, being located on both sides of North Loop Boulevard and extending west from Avenue F in the City of Austin, Travis County, Texas,

was duly opened.

The proponents of the change were first heard substantially as follows:

A. F. SMITH, representing himself and the other proponents of the Change; G. A. BRAGG, AND J. E. PECK appeared and plead for the change on the grounds that the property owners, at the request of the City Plan Commission about two years ago, gave a strip for a 60-foot street through this property and in so doing lost about two lots, and that the property owners now desire the change in order to utilize their property for business purposes by erecting a community center consisting of a grocery store, drug store, etc.; that a community center would be worth while there on account of the high-class residences surrounding it; that the change is agreeable to the property owners within two hundred feet, as evidenced by a petition signed by said property owners, and that those opposing it are outside of the two hundred foot limit.

The following opponents of the change were then heard substantially as follows:

HOWARD R. DREW, speaking for himself and Mr. Roberts, opposed the change on the grounds that a community center would depreciate the value of their property and that there is no demand there for the projects that are being planned; Mr. Roberts appearing at the meeting after the hearing had been closed and presenting a petition by citizens opposing the change.

No other property owners or interested citizens desiring to be heard, Councilman Wolf moved that the hearing be closed and that the recommendations of the Board of Adjustment be sustained and the change in zoning from "A" Residence District to "C" Commercial District be granted and the City Attorney be instructed to prepare the necessary ordinance for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Pursuant to published notice thereof, the public hearing on the application of J. C. Stark, by Chas. F. Herring, Attorney, to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District, to-wit:

Lot 7 in Stark Addition, being located on the north side of Stark Street approximately 150 feet west of Georgetown Road.

was duly opened.

No property owner or other interested citizen appeared to protest the proposed change.

Thereupon Councilman Thornberry moved that the hearing be closed and the recommendations of the Board of Adjustment be sustained and the change in zoning, from "A" Residence District to "C" Commercial District, be granted and the City Attorney be instructed to prepare the necessary ordinance for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The public hearing on the application of Dr. J. A. Love and Joe Crowe for change in zoning of Lots 11 to 17, inclusive, Block 6, Outlot 54, Division "D", located between Leon Street, Boulevard View, West 25 $\frac{1}{2}$ Street and West 26th Street, from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District, was indefinitely postponed, at the request of applicants; said hearing having been advertised for this day.

The application of E. J. Hood, by Smith & Pollard, attorneys, for change in zoning, from "A" Residence District to "B" Residence District, of property known as 805 and 807 East 24th Street, was received; and Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of Ulysses S. Oglesby, Nora Oglesby, and John M. Davis for change in zoning, from "B" Residence District to "C" Commercial District, of property known as 306 East 18th Street, was received; and upon motion of Councilman Glass the matter was referred to the Board of Adjustment for consideration and recommendation, by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"Austin, Texas
March 12, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on March 11, 1947:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Pedro Macias requesting a change in the Use designation of the following property:

East 92 feet (by 150 feet) of Lots 1 to 6, inclusive, Block "B", Capitol Heights Addition, being located at the southwest corner of South 5th and West Elizabeth Streets,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on January 7, 1947, at which the applicant did not appear to plead his case; and

WHEREAS, several property owners in this area appeared to protest the proposed change on the grounds that they had bought their property for homes and were trying to build up this neighborhood and were opposed to anything that would tend to lower the standards, and that there are several stores in the neighborhood to serve the community; and

WHEREAS, the Board postponed action to permit the appellant to be present and again considered the request at a meeting on January 14, 1947, at which the applicant appeared and stated that he proposed to erect a masonry building for the operation of a grocery and market; and

WHEREAS, no action was taken at this meeting and the applicant was requested to contact the property owners who appeared at the previous meeting and discuss the proposed development with them; and

WHEREAS, the applicant appeared before the Board again at a meeting on March 4, 1947, having obtained the signatures of several property owners who had no objection to this change but failed to include two of these protestants, the applicant stating that he now proposes to erect a masonry building, 16'x16', on the property and later erect a residence on the rear of the property when materials are available but that he did not intend to erect the commercial building at this time; and

WHEREAS, the Board was still not satisfied and postponed action to permit an examination of the applicant's property and the entire neighborhood to see if a business is needed at this location; and

WHEREAS, at a meeting on March 11, 1947, the Board again considered this application after individual examination of the neighborhood and the need of additional business in the area; and

WHEREAS, an examination of the zoning maps of the City of Austin and the property in this neighborhood discloses the fact that there is undeveloped property in a "C" Commercial District along South 1st Street which is approximately four blocks east of the property proposed to be changed and also at the intersection of West Mary and South 5th Streets approximately five blocks south; and

WHEREAS, the Board recently considered an appeal for the erection and operation of a food pantry two blocks southeast of the property to be changed and denied the appeal after a large number of adjacent property owners appeared protesting the proposed business on the grounds that it was not needed in the community; and

WHEREAS, the Board deemed under the conditions and circumstances that there is sufficient commercial property in this area to serve the needs of the community and that the application for this change is not in response to any public need or demand, and that the residential character of this area should be retained; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. KUEHNE
Chairman.

Councilman Wolf moved that a public hearing on the foregoing application of Pedro Macias for change in zoning be called for Thursday, April 10, 1947, in accordance with the request of said applicant. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of Fannie Wells Jones for change in zoning, from "A" Residence to "C" Commercial Districts, of property located at 1169 Coleto Street, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration, and the City Attorney be instructed to confer with said Board on probable existing non-conforming Use of said property. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Forest Sneed, Colored, came before the Council and presented a petition by citizens in the 2800 and 2900 blocks of East 19th Street, asking that immediate action be taken to stop further construction of houses, garages, and other buildings on plot of ground owned by Bascom Giles on 19th Street between 2700 and 2900 blocks, in order to prevent further depreciation of the property of petitioners by reason of the rear of said buildings abutting 19th Street instead of facing it. Petitioner was advised that the City had no jurisdiction in the matter as the Plat for said Addition had been approved by the City Plan Commission, a board created by State statute, but that the Council would look further into the

matter and see what could be done about it.

A large group of citizens, with A. M. Walker as spokesman, came before the Council and presented a petition by residents of Pemberton Heights, Bryker Woods, and Camp Mabry area, asking that the City Council use its influence with the Austin Transit Company for improvement of bus service on the Camp Mabry line, declaring that the present schedule is both inadequate and unsatisfactory. After considerable discussion, in which both the petitioners and representatives of the Transit Company participated, the Transit Company was requested by the Mayor to get their new busses, now on order, here as soon as possible to relieve the situation.

Mr. Saunders came before the Council and asked for permission to hang a cloth banner across Congress Avenue at 8th Street advertising a rodeo to be held at Riverside Arena on March 30. It was the sense of the Council that the permit be denied, same being in violation of the Sign Ordinance.

Herbert Pendergrass, Colored, came before the Council and again requested that some method be adopted to relieve taxicab operators from having to pay for state-wide insurance on their taxicabs as required by insurance companies. The City Attorney reported that the Legal Department was working on the matter at the present time.

Reverend Holland, Colored, came before the Council and asked that furniture for Rosewood Center be purchased as soon as possible. He was advised that some furniture had already been bought and that more will be as soon as possible, probably from the USO.

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF AUSTIN TO INCLUDE THEREIN THE PROPERTY EMBRACED IN CERTAIN ORDINANCES ANNEXING ADDITIONAL TERRITORY TO THE CITY OF AUSTIN, INCLUDING 237.07 ACRES OF LAND KNOWN AS HIGHLAND PARK WEST, WHICH ORDINANCE WAS FINALLY PASSED OCTOBER 24, 1946; 27.35 ACRES OF LAND KNOWN AS VALLEJO, WHICH ORDINANCE WAS FINALLY PASSED OCTOBER 24, 1946; 42.65 ACRES OF LAND KNOWN AS WILLOWBROOK ADDITION, WHICH ORDINANCE WAS FINALLY PASSED NOVEMBER 27, 1946; 70.59 ACRES OF LAND KNOWN AS MCKINLEY HEIGHTS AND EVERGREEN CEMETERY, WHICH ORDINANCE WAS FINALLY PASSED DECEMBER 23, 1946; 31.78 ACRES OF LAND KNOWN AS PANNELL PLACE, WHICH ORDINANCE WAS FINALLY PASSED DECEMBER 23, 1946; AND 20.60 ACRES OF LAND KNOWN AS GILES PLACE, SECTION 1, WHICH ORDINANCE WAS FINALLY PASSED DECEMBER 23, 1946; AND ZONING SUCH LANDS AND TERRITORY AS "A" RESIDENCE DISTRICT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The ordinance was then read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The ordinance was then read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into an easement contract in behalf of the City of Austin with the International-Great Northern Railroad by which the City of Austin will acquire an easement for drainage purposes upon certain lands owned by the International-Great Northern Railroad described as follows:

Beginning at a point in the east right-of-way line of the I-GN Railroad, same being 1,019.52 feet north of mile-post 177, said point being opposite the south side of a concrete culvert;

Thence in a westerly direction 25 feet to a point;

Thence in a northerly direction 25 feet west of and parallel to the east right-of-way line a distance of 481.5 feet;

Thence in a northeasterly direction 53.6 feet to the east right-of-way line of the I-GN Railroad;

Thence in a southerly direction along the east right-of-way line of the I-GN Railroad to the point of beginning;

and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed in behalf of the City of Austin to agree that the City of Austin will

(a) excavate and grade the new drainage channel and fill that portion of the old drainage channel now on the railroad right-of-way; (b) perpetually maintain the new drainage channel located within the right-of-way; and (c) construct rip-rap along the west wall of the new drainage channel at the angle point on the north and located at station 5 + 31.5.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property on the east side of Chalmers Avenue as a private gasoline plant, which property is owned by Sweeney and Company, Inc., and is designated as part of Block 1, of the W. T. Caswell tract, in Outlot 6, Division "O", of the City of Austin, Travis County, Texas, and hereby authorizes the said Sweeney and Company, Inc., to operate a private gasoline plant consisting of a 1000-gallon underground tank and electric pump, for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Sweeney and Company, Inc., has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
March 13, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Sweeney and Company, Inc., by Elmer Bassist, Manager, for permission to operate a private gasoline plant consisting of a 1000-gallon underground tank and

electric pump, for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property on the east side of Chalmers Avenue, which property is designated as part of Block 1, of the W. T. Caswell tract, in Outlot 6, Division "O", of the City of Austin, Travis County, Texas, and locally known as 409 Chalmers Avenue.

This property is located in a "D" Industrial District and I recommend that this permit be granted, subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters' Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

(3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf -

Noes : None

Absent: Councilman Bartholomew

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be, and he is hereby, authorized and directed to execute a contract as of March 1, 1947, for and on behalf of the City of Austin with Jess C. Akin, whereby the City agrees to construct an addition to the present Administration Building at the Austin Municipal Airport, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

1. This AGREEMENT made the 1st day of March, 1947, by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter referred to as Owner and Jess C. Akin, of said County and State, hereinafter referred to as Contractor, WITNESSETH:

2. The Owner and the Contractor are parties to a lease contract by which the Owner has leased to the Contractor certain space in the Administration Building of the Austin Municipal Airport, located in the City of Austin, Travis County, Texas, which lease was dated August 9, 1945, and has been amended by a supplemental agreement of even date herewith.

3. Under the said supplemental agreement, the Contractor will occupy and use certain additional space leased to him by the Owner, together with the improvements hereinafter described.

4. The Owner agrees to construct, according to plans attached hereto and according to specifications approved by its Director of Public Works, an addition to the present Administration Building at the Austin Municipal Airport, which addition will consist of approximately one hundred ninety (190) square feet and will be constructed by the Owner immediately adjoining the west end of space leased to the Contractor under the said agreement dated August 9, 1945. It is estimated by the parties hereto that the total cost of such addition will not exceed Fifteen Hundred Dollars (\$1500.00) for labor and materials.

5. It is agreed by the parties that the Owner may cause the plumbing and electrical work on the job to be done by a subcontractor, in which event the Contractor agrees to pay directly to such subcontractor the contract price for such plumbing and electrical work. The Contractor hereby authorizes the Owner to purchase in the name of the Contractor all other materials needed or required in constructing the said addition, in an amount not to exceed the total of Eleven Hundred Dollars (\$1100.00) (which amount includes plumbing and electrical subcontract prices). Such materials as the Owner is unable by reasonable inquiry to obtain from commercial sources may be taken from stocks on hand with the Owner. Materials bought from commercial sources shall be paid for directly by Contractor upon the basis of invoices covering such materials, after such invoices have been approved by the Owner. Materials obtained from the Owner's stocks shall be billed by the Owner to the Contractor at the current market prices. The Contractor agrees to pay said invoices and bills within ten (10) days after being presented with same.

6. The amount of money expended by the Contractor on the plumbing and electrical subcontract and for other materials, as hereinabove provided, shall be refunded by the Owner to the Contractor on the following basis:

Inasmuch as the Contractor is now paying the Owner certain consideration under the Indenture of Lease dated August 9, 1945, hereinabove referred to, it is agreed that the Owner shall pay or credit to the

Contractor each month the excess over and above One Hundred Dollars (\$100.00) due or paid by the Contractor to the Owner under the said lease agreement. Such refunds shall be paid or credited to the Contractor by the Owner until the total amount expended by the Contractor for such sub-contract and for such materials has been reached; provided, however, that such refunds shall not exceed the total cost of materials plus cost of plumbing and electrical work.

7. Title to the improvements to be constructed under this contract shall be and remain in the Owner.

WITNESS OUR HANDS this 1st day of March, 1947, on this contract in duplicate.

CITY OF AUSTIN

Attest:

By

Gilton Morgan
Owner

City Clerk

WITNESS:

Jess C. Akin
Contractor

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be, and he is hereby, authorized and directed to execute a supplemental lease agreement as of March 1, 1947, for and on behalf of the City of Austin with Jess C. Akin for cafe space in the present Administration Building at the Austin Municipal Airport, all in accordance with the terms and provisions of a certain agreement, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

SUPPLEMENTAL LEASE CONTRACT WITH JESS C. AKIN

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

1. This SUPPLEMENTAL LEASE made this 1st day of March, 1947, by and between the City of Austin, a municipal corporation situated in Travis County

Texas, (hereinafter referred to as Lessor) and Jess C. Akin, of Austin, Travis County, Texas, (hereinafter referred to as Lessee), WITNESSETH:

2. WHEREAS, on August 9, 1945, Lessor executed a certain Indenture of Lease effective as of September 15, 1945, under which Lessor granted to Lessee and to Lee Hubby the use of a certain portion of the Administration Building at the Austin Municipal Airport in Travis County, Texas, for the purpose of operating a cafe; and

3. WHEREAS, the said Lee Hubby has now notified the Lessor, in writing, that he has withdrawn from the operation of said cafe and transferred all legal rights therein and in said lease to the said Jess C. Akin; and

4. WHEREAS, Lessor and Lessee now desire to amend the said Indenture of Lease to incorporate provision for additional space to be used exclusively by Lessee and also to amend the effective date of said lease.

5. NOW, THEREFORE, in consideration of the rents, covenants and agreements herein and in the said Indenture of Lease provided, the parties hereto agree as follows:

6. Article I of the said lease dated August 9, 1945, is amended in the paragraph which described the one thousand nineteen (1019) square feet of space covered by the contract by renumbering that paragraph as sub-paragraph (a) and by adding thereafter the following sub-paragraphs:

"(b) One hundred ninety (190) square feet of space to be added to the present building adjacent to kitchen and other space now occupied by Lessee, which addition to said building is to be constructed under a contract of even date herewith between the Lessor and Lessee;

"(c) Outside area to be improved and used by Lessee as a patio, occupying space 30' x 30', beginning at the northeast corner of the Administration Building and extending westerly along and adjacent to north side thereof, together with an additional service space 10' x 10' at and adjoining the present north kitchen door of the cafe space, and contiguous to the west side of the said 30' x 30' space.

7. Article III of the said Indenture of Lease dated August 9, 1945, is amended so that the same shall hereafter read as follows:

"This lease contract shall be for a term of two (2) years beginning April 1, 1946, unless sooner terminated as hereinafter provided.

"In the event neither party gives notice to terminate this lease on or before the expiration of said two years, said lease shall be automatically extended from year to year thereafter, with the right of either party to terminate the said lease by giving the other party ninety (90) days written notice of intention to terminate same. "

8. It is further agreed and understood that said lease contract and this supplemental contract are now between the Lessor and Lessee, as described herein, and that all interest of the said Lee Hubby has been assumed by and transferred to the Lessee.

9. This supplemental contract shall be effective on the date hereof and will expire on the same date as the basic Indenture of Lease herein mentioned. Except as herein expressly amended, said Indenture of Lease shall remain fully effective in accordance with the terms and conditions hereof.

WITNESS OUR HANDS this 1st day of March, 1947, on this contract in duplicate.

CITY OF AUSTIN

By _____
Guiton Morgan
Lessor

Attest:

City Clerk

Jess C. Akin
Lessee

WITNESS:

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, to help support the tremendous burden of raising money for the National Defense, certain excise taxes were levied by the National Congress which included admission taxes on public recreational activities; and

WHEREAS, the original tax bill provided that the admission tax, along with certain luxury taxes, would expire six months after cessation of hostilities; and

WHEREAS, the President of the United States has declared that hostilities ceased as of January 1, 1947, and these taxes would normally expire June 30, 1947, unless extended by the National Congress; and

WHEREAS, the House of Representatives and the Senate have already passed bills extending the war-time excise taxes, including the tax on

admissions paid by the public attending recreational activities sponsored by municipalities, and now have the bills under consideration in conference; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Texas Senators - the Honorable Tom Connally and the Honorable W. L. O'Daniel - and the Congressman representing the Tenth Congressional District - the Honorable Lyndon B. Johnson - be requested to use their efforts to have eliminated from the new tax bill excise taxes imposed upon all admissions charged for recreational and educational activities conducted by municipalities because it is the sense of the City Council that these additional burdens should not be placed upon the public pastimes, recreational, and educational activities which already are conducted and operated with public tax money without profit to the municipality and only for the benefit of its citizens.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

Twenty-five years ago a group of farsighted students at the University of Texas founded on the campus the Texas Cowboys, an organization whose purpose it was to promote the best interests of the University and to foster the continuous program for development of leadership, friendship, and enthusiasm for the spirit of Texas. Throughout the quarter of a century the Texas Cowboys have carried on their work at the University of Texas. The organization has maintained a high standard of membership and furnished innumerable leaders for various worthy movements among the students on the campus. As its members finished their work at the University of Texas and entered the many walks of life open to these young men, they have continued to emulate the spirit of the Texas Cowboys by assuming leadership in their chosen fields. Today there are former Texas Cowboys in the legislative halls of the National Congress and of the law-making branch of the Texas State Government, and others are holding various responsible posts in the State and National Governments as well as many local governments in Texas; many former Texas Cowboys have achieved eminence in the fields of medicine, law, education, business and industry. The present student organization at the University of Texas has arranged for the celebration of the Texas Cowboys Founders Day and Twenty-fifth Anniversary on March 29, 1947, at which time hundreds of former Texas Cowboys are expected to return to Austin and the campus of the University to participate in this program and the annual Round-Up at the University; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the people of Austin be requested to extend a warm and friendly welcome to the scores of men who will return to Austin and the University

of Texas on March 29, 1947, to celebrate the Twenty-fifth Anniversary of the founding of the Texas Cowboys, an organization in which these men enjoyed membership while students at the University of Texas and to whose worthy program these men contributed their youth, enthusiasm, leadership, and loyalty to the great benefit of the University of Texas and its best interests.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

Name of Owner

Description of Boat

Wade, Dr. David - 2107 Woodmont Avenue- Higgins, Inboard, 1947 Model, Chrysler, 5-passenger

Councilman Glass moved that the application be approved. The motion prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of CHARLES A. McLARTY, JR., 2502 Indian Trail, for a license to operate as a taxicab a 1946 Model, Chevrolet Sedan, Motor No. DAA-76745, State License No. EH-1757, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of WILLIAM A. ROBERTSON, 1017½ West 31st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of GILBERT ARREDONDO, 803 East 8th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of JOHN REX WAYLAND, 706 West 21st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of RAYMOND G. LEDESMA, 2515 East 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of CHARLES A. McLARTY, JR., 2502 Indian Trail, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of RALPH HUMEL, 507 Vermont Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

An appeal by Daniel Ray Riordan, Route 2, Box 425, on his application for a taxicab driver's permit, which had been recommended for denial by the Chief of Police and City Manager, was heard. After considering the facts in the case, Councilman Wolf moved that the said Daniel Ray Riordan be granted a 90-days probationary permit to drive a taxicab. The motion prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of LOMA LINDA CAFE, by Lena Villasana, 909 Barton Springs Road, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of CAPITOL NEWS STAND TAVERN, by Mary Joseph, 1010 Congress Avenue, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of CIRCLE R BARBECUE, by Victor H. Randolph, 505 East 5th Street, for an off-premises retail dealer's beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a drive-in theater site the property situated on the east side of the Georgetown Road at a location approximately 670 feet north of Nelray Boulevard, and being out of and a part of the James P. Wallace Survey within the City of Austin, Travis County, Texas, and hereby authorizes Chalk Hill Theatre, Ltd., to construct, maintain, and operate a drive-in theatre and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this drive-in theatre after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the Chalk Hill Theatre, Ltd. has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

" Austin, Texas
March 13, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Chalk Hill Theatre, Ltd., acting by and through Rickey Key, agent, for permission to

construct, maintain and operate a drive-in theatre and to construct commercial driveways in conjunction therewith, upon property located on the east side of Georgetown Road at a location approximately 670 feet north of Nelray Boulevard, which property fronts 332.54 feet on the Georgetown Road, and is out of and a part of the James P. Wallace Survey within the City of Austin, Travis County, Texas, and the property upon which this drive-in theatre is to be located is owned by the Chalk Hill Theatre, Ltd., and we hereby advise that the following conditions exist:

The property upon which this drive-in theatre is to be located is designated as "C-1" Commercial Use District upon the zoning maps of the City of Austin, in which zone, drive-in theatres are permitted only by special authorization from the City Council of the City of Austin.

We recommend that the Chalk Hill Theatre, Ltd., acting by and through Rickey Key, agent, be granted permission to construct, maintain and operate said drive-in theatre and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. The screen house to be a minimum distance of 250 feet from the street line.

(2) That this drive-in theatre shall comply with all ordinances and regulations of the City of Austin pertaining to such theatres.

(3) That all driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works File Number 2-C-1109. All of said driveways, ramps, gutters, sidewalks and curbs to be constructed according to the ordinance governing the construction of same as adopted by the City Council of the City of Austin.

(4) That before use of said drive-in theatre, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all requirements of the City and shall be issued a Certificate of Occupancy upon final approval.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

A petition, signed by Arnold Williams et al, property owners on East 19th Street in the 2900 block, asking that the City Council take immediate action to prevent the erection of houses, garages, and other buildings on plot of ground owned by Basom Giles in the 2700 and 2900 blocks of East 19th Street in such manner that the rear of said buildings abut on said street instead of facing it, was received and filed.

The following report of the Board of Adjustment was received and filed:

"Austin, Texas
March 6, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on March 4, 1947:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of C. R. Flournoy requesting a change in the Use designation of the following property:

The north 40'x45' of Lot 7, Block 8, Outlot 6, Division "B", being located at the southwest corner of East 11th Street and Chalmers Avenue,

from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on February 25, 1947, at which the applicant did not appear but several property owners who had been notified appeared and protested this change and presented a petition signed by eight property owners; and

WHEREAS, due to the failure of the applicant to appear, the application was postponed pending further investigation and study; and

WHEREAS, the Board again considered this application at a meeting on March 4, 1947, the applicant not being present; and

WHEREAS, the application indicates that the entire Lot 7 as described above is included in this change, but it developed that the area to be re-zoned consisted of the north one-third of the lot, the rear two-thirds having been sold off by two separate contracts and now is occupied by residences; and

WHEREAS, the Board deemed under these conditions and circumstances that no justification for recommending this change has been found since it would apply to only a portion of the lot and thus constitute a spot zone

of the worst type; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

In accordance with the request of the applicant, no public hearing on the above matter was called.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the land hereinafter described was sold to the City of Austin for taxes by Sheriff's deed dated September 9, 1903; and

WHEREAS, all taxes for which such sale was made have been fully paid; Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to Mrs. M. A. Newton and A. H. Newton, whose title was sold to the City of Austin as above recited, and to their successors in title, conveying all of the right, title, and interest of the City of Austin in and to Lots 5 and 6, Block 4, Outlots 2 and 3, Division B, City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Mayor Miller offered the following resolution and moved its adoption:

WHEREAS, the City Council recognizes the great loss to the City of Austin in the death of E. L. Steck; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council desires to express its esteem and respect for him and its sorrow and condolence to his family upon his death by

having a copy of this resolution entered in the minutes of the City Council.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Bartholomew

There being no further business, upon motion, seconded and carried, the meeting was recessed at 1:25 P. M., subject to call of the Mayor.

Approved: Tom Miller.
MAYOR

Attest:

Helen McMillan

City Clerk